

CA9-98-038



PATENT

AF/21A6
83

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: R. A. Green

Serial No.: 09/176,077

Art Unit: 2176

Filed: October 20, 1998

Examiner: William Bashore

For: WEB-BASED FILE REVIEW SYSTEM UTILIZING SOURCE AND COMMENT FILES

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUN 18 2004

Technology Center 2100

**TRANSMITTAL OF APPEAL BRIEF
(PATENT APPLICATION - 37 CFR 1.192)**

1. Transmitted herewith in triplicate is the APPEAL BRIEF in this application with respect to the Notice of Appeal filed on May 19, 2004.

NOTE: "The appellant shall, within 2 months from the date of the notice of appeal under § 1.191 in an application, reissue application, or patent under reexamination, or within the time allowed for response to the action appealed from, if such time is later, file a brief in triplicate." 37 CFR 1.192(a) (emphasis added).

2. STATUS OF APPLICANT

This application is on behalf of

other than a small entity

small entity

verified statement:

attached

already filed

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 CFR 1.17(f) the fee for filing the Appeal Brief is:

small entity \$165.00

other than a small entity \$330.00

Appeal Brief fee due \$330.00

CERTIFICATE OF MAILING (37 CFR § 1.8)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Serena Beller

(Type or print name of person mailing paper)

Serena Beller

(Signature of person mailing paper)

Date: 6/19/04

4. EXTENSION OF TERM

NOTE: The time periods set forth in 37 CFR 1.192(a) are subject to the provision of § 1.136 for patent applications. 37 CFR 1.191(d). Also see Notice of November 5, 1985 (1060 O.G. 27).

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b) as applicable)

(a) Applicants petition for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00
Fee		

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____
or

(b) Applicants believe that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal Brief fee \$330.00

Extension fee (if any) \$0

TOTAL FEE DUE \$330.00

6. FEE PAYMENT

Attached is a check in the sum of \$_____

Charge Account No. 09-0461 (CA9-98-038) the sum of \$330.00.

A duplicate of this transmittal is attached.

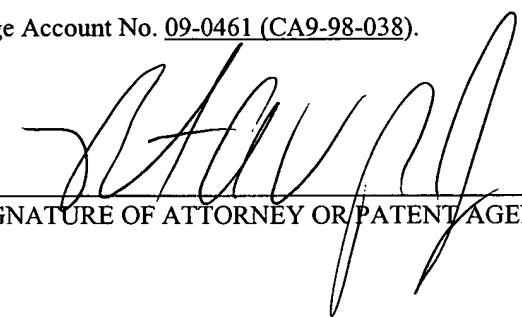
RECEIVED
JUN 18 2004
Technology Center 2100

7. FEE DEFICIENCY

NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.*

If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 09-0461 (CA9-98-038) AND/OR

If any additional fee for claims is required, charge Account No. 09-0461 (CA9-98-038).

Reg. No.: 47,159

SIGNATURE OF ATTORNEY OR PATENT AGENTTel. No.: (512) 370-2832Robert A. Voigt, Jr.WINSTEAD SECHREST & MINICK P.C.
P.O. Box 50784
Dallas, Texas 75201AUSTIN_1\251316\1
7036-P285US

RECEIVED
JUN 1 8 2004
Technology Center 2100



CA9-98-038

PATENT

#25
10f3

- 1 -

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of : Before the Examiner:
R. A. Green : Bashore, William

Serial No.: 09/176,077 : Group Art Unit: 2176

Filed: October 20, 1998 :

Title: WEB-BASED FILE REVIEW : IBM Corporation
SYSTEM UTILIZING SOURCE : P.O. Box 12195
AND COMMENT FILES : Dept. T81/503
: Research Triangle Park, NC 27709

APPEAL BRIEF

RECEIVED

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JUN 18 2004

Technology Center 2100

I. REAL PARTY IN INTEREST

The real party in interest is International Business Machines Corporation, which is the assignee of the entire right, title and interest in the above-identified patent application.

CERTIFICATION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on June 9, 2004.

Serena Beller
Signature

Serena Beller
(Printed name of person certifying)

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant, Appellant's legal representative or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-8, 10, 11 and 13-41 are pending in the Application. Claims 1-8, 10, 11 and 13-41 stand rejected.

IV. STATUS OF AMENDMENTS

The Appellant's response to the Office Action having a mailing date of March 16, 2004, has been considered, but the Examiner indicated that it did not place the application in condition for allowance because Appellant's arguments were deemed unpersuasive.

V. SUMMARY OF INVENTION

Computer systems often provide review tools which allow writers and developers to review drafts of information. Specification, page 1, lines 6-7. The information can be in the form of simple text files representing documents or computer program code, or may be structured documents such as those defined by such languages as HTML. Specification, page 1, lines 7-9. The latter type of documents are in common use due to the existence of web-based publishing, both on the Internet World Wide Web, and on Intranets which are found within a company or organization. Specification, page 1, lines 9-11.

Systems, such as the IBM host-based tool, Revufile™, have been developed which provide online reviewing environments for flat linear documents. Specification, page 1, lines 12-13. Such tools, however, are not appropriate for

reviewing webs of information, and no appropriate web-based review tool has been developed. Specification, page 1, lines 13-14. Previously developed systems are constrained in accepting comments to files made by different reviewers in parallel and in permitting dynamic display of the comments made to files. Specification, page 1, lines 15-16.

Therefore, there is a need in the art to have a review tool which will provide an interaction with its users through a web browser, whether the tool is running through the Internet and the World Wide Web, or through a company Intranet or Local Area Network. Specification, page 2, lines 1-3. Such a review tool or system will permit comments to be added to documents and displayed dynamically. Specification, page 2, lines 3-4.

The problems outlined above may at least in part be solved in some embodiments by a file review system for storing and managing a set of comments associated with a source file that comprises means for accepting data from the source file and storing a representation of the source file as a markup file. Specification, page 2, lines 8-11. The system may further comprise means for creating a comment file containing data representing the set of comments associated with the source file. Specification, page 2, lines 12-13. The system may further comprise means for accepting new comments for inclusion in the set of comments associated with the source file and for updating the comment file to correspond to the complete set of comments. Specification, page 2, lines 14-16. The system may further comprise means for generating a hypertext document from the markup file and from the comment file, the hypertext document corresponding to the source file and including portions corresponding to one or more of the set of comments associated with the source file. Specification, page 2, lines 17-20. The system may further comprise means for communicating the hypertext document to a user for display. Specification, page 3, line 1.

VI. ISSUES

A. Are claims 1, 10, 16-20, 33 and 40 properly rejected under 35 U.S.C. §103(a) as being unpatentable over Gramlich (U.S. Patent No. 5,826,025) in view of Day et al. (U.S. Patent No. 6,243,722) (hereinafter "Day")?

B. Are claims 2-8, 11, 13-15 and 34-38 properly rejected under 35 U.S.C. §103(a) as being unpatentable over Gramlich in view of Day and in further view of Tran (U.S. Patent No. 6,054,990)?

C. Are claims 21-24, 39 and 41 properly rejected under 35 U.S.C. §103(a) as being unpatentable over Gramlich in view of Day and in further view of Tran and in further view of Merritt et al. (U.S. Patent No. 6,041,335) (hereinafter "Merritt")?

D. Are claims 25-32 properly rejected under 35 U.S.C. §103(a) as being unpatentable over Gramlich in view of Tran and in further view of Merritt?

VII. GROUPING OF CLAIMS

Claims 1, 10, 18, 20, 33 and 40 form a first group.

Claims 2, 13, 14, 15 and 34 form a second group.

Claims 3, 4, 35 and 36 form a third group.

Claims 5 and 37 form a fourth group.

Claims 6 and 38 form a fifth group.

Claims 21, 39 and 41 form a sixth group.

Claims 25 and 26 form a seventh group.

Claims 27 and 31 form an eighth group.

Claims 28 and 32 form a ninth group.

Claims 29 and 30 form a tenth group.

Claims 7, 8, 11, 16, 17, 19, 22, 23 and 24 should not be grouped together and should be considered separately.

The reasons for these groupings are set forth in Appellant's arguments in Section VIII.

VIII. ARGUMENT

A. Claims 1, 10, 16-20, 33 and 40 are not properly rejected under 35 U.S.C. §103(a) as being unpatentable over Gramlich in view of Day.

The Examiner has rejected claims 1, 10, 16-20, 33 and 40 under 35 U.S.C. §103(a) as being unpatentable over Gramlich in view of Day. Paper No. 20, page 2. Appellant respectfully traverses these rejections for at least the reasons stated below.

1. The Examiner has not presented any objective evidence for combining Gramlich and Day.

A *prima facie* showing of obviousness requires the Examiner to establish, *inter alia*, that the prior art references teach or suggest, either alone or in combination, all of the limitations of the claimed invention, and the Examiner must provide a motivation or suggestion to combine or modify the prior art reference to make the claimed inventions. M.P.E.P. § 2142. The showings must be clear and particular and supported by objective evidence. *In re Lee*, 277 F.3d 1338, 1343, 61 U.S.P.Q.2d 1430, 1433-34 (Fed. Cir. 2002); *In re Kotzab*, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000); *In re Dembiczaik*, 50 U.S.P.Q.2d. 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence. *Id.*

The Examiner's motivation for modifying Gramlich with Day to request the source file using unmodified standard messaging protocols, as recited in claim 1 and similarly in claims 21, 33 and 39, is to "provide Gramlich the benefit of capitalizing

on the ubiquity of (typical) web browsers (see Day column 7 lines 27-28)." Paper No. 20, pages 3 and 9. This motivation is insufficient to support a *prima facie* case of obviousness as discussed below.

The Examiner's motivation appears to have been gleaned from the secondary reference (Day). In fact, the Examiner cites column 7, lines 27-28 of Day as support for his motivation. Paper No. 20, page 3. This is not evidence as to why one of ordinary skill in the art with the primary reference (Gramlich) in front of him would have been motivated to modify the primary reference (Gramlich) with the teachings of the secondary reference (Day). The Examiner's motivation is a motivation for the secondary reference (Day) to solve its problem. This is not a suggestion to combine the primary reference (Gramlich) with the secondary reference (Day). The Examiner must provide objective evidence as to why one of ordinary skill in the art with the primary reference (Gramlich) in front of him, which teaches that an annotation proxy can perform the merge operation by first creating a local annotation directory of annotation overlays from sources designated by the user then, when the user requests a document, merging with the requested document information only from the annotation directory (Abstract of Gramlich), would have been motivated to modify the primary reference (Gramlich) with the teachings of the secondary reference (Day), which teaches that a user is permitted to enter comments pertaining to the document within the displayable interface, such that the comments may be separately stored, subsequently retrieved and utilized in the creation of the document without cluttering (Abstract of Day). *See In re Lee*, 61 U.S.P.Q.2d 1430, 1433-1434 (Fed. Cir. 2002); *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1318 (Fed. Cir. 2000). Merely stating what the secondary reference teaches is not evidence for combining a primary reference (Gramlich) with the secondary reference (Day). *See Id.* Consequently, the Examiner's motivation is insufficient to support a *prima facie* case of obviousness for rejecting claims 1-8, 10, 11, 13-24 and 29-41. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of combining Gramlich, which teaches that an annotation proxy can perform the merge operation by first creating a local annotation directory of annotation overlays from sources designated by the user then, when the user requests a document, merging with the requested document information only from the annotation directory, with Day, which teaches that a user is permitted to enter comments pertaining to the document within the displayable interface, such that the comments may be separately stored, subsequently retrieved and utilized in the creation of the document without cluttering. *Id.* There is no suggestion in Gramlich to enter comments pertaining to the documents such that the comments may be separately stored, subsequently retrieved and utilized in the creation of the document without cluttering. Since the Examiner has not submitted objective evidence for modifying Gramlich with Day, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 1-8, 10, 11, 13-24 and 29-41.

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Gramlich to request the source file using unmodified standard messaging protocols (Examiner admits that Gramlich does not teach this limitation). *Id.* There is no suggestion in Gramlich of using unmodified standard messaging protocols. Since the Examiner has not submitted objective evidence for modifying Gramlich to request the source file using unmodified standard messaging protocols, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 1-8, 10, 11, 13-24 and 29-41. *Id.*

As a result of the foregoing, Appellant respectfully asserts that the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 1-8, 10, 11, 13-24 and 29-41. M.P.E.P. §2143.

2. Gramlich and Day, taken singly or in combination, do not teach or suggest the following claim limitations.

Appellant respectfully asserts that Gramlich and Day, taken singly or in combination, do not teach or suggest "system user are uniquely identified in the system and in which the means for accepting new comments further comprises means for selectively restricting the inclusion of new comments in the set of comments based on the unique identity of system users" as recited in claim 16. The Examiner cites column 8, lines 46-54 of Gramlich as teaching the above-cited claim limitation. Paper No. 20, page 5. Appellant respectfully traverses and asserts that Gramlich instead teaches that members of different political parties might contribute overlays to overlay groups. Gramlich further teaches that in a magazine model, paid authors submit annotations to a centralized editor who then edits and publishes the authors' annotation overlays in an overlay group(s) managed by the editor. Gramlich further teaches that in this magazine model, it is envisioned that publishers of overlay groups will sell subscriptions or, like commercial broadcasters, advertising, to cover the costs of publication. There is no language in the cited passage of restricting the inclusion of new comments. Neither is there any language in the cited passage of restricting the inclusion of new comments based on the unique identity of system users. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellant further asserts that Gramlich and Day, taken singly or in combination, do not teach or suggest that "the source file is associated with a defined cutoff date and in which the means for accepting new comments further comprises means for selectively restricting the inclusion of new comments on dates past the defined cutoff date" as recited in claim 17. The Examiner cites column 8, lines 40-54 of Gramlich as teaching the above-cited claim limitation. Paper No. 20, page 5. Appellant respectfully traverses. As stated above, Gramlich instead teaches that

members of different political parties might contribute overlays to overlay groups. Gramlich further teaches that in a magazine model, paid authors submit annotations to a centralized editor who then edits and publishes the authors' annotation overlays in an overlay group(s) managed by the editor. Gramlich further teaches that in this magazine model, it is envisioned that publishers of overlay groups will sell subscriptions or, like commercial broadcasters, advertising, to cover the costs of publication. There is no language in the cited passage of a cutoff date. Neither is there any language in the cited passage of restricting the inclusion of new comments. Neither is there any language in the cited passage of restricting the inclusion of new comments based on a cutoff date. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Further, in connection with the rejection of the above-claim limitation, the Examiner states that "the limitation of defined cutoff dates and restricting comments on dates past said cutoff date would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Gramlich, because Gramlich teaches selling subscriptions to overlay groups (in a magazine model), suggesting the use of cutoff dates and deadlines for article submission and user/author inclusion (Gramlich column 8 lines 40-54; compare with claim 17), providing a user of Gramlich the benefit of providing a periodical magazine structure." Paper No. 20, page 5. Appellant respectfully traverses. The Examiner has not submitted any objective evidence, as required in an obviousness rejection, for modifying Gramlich to have a source file associated with a defined cutoff date and in which the means for accepting new comments further comprises means for selectively restricting the inclusion of new comments on dates past the defined cutoff date. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). Instead, the Examiner relies on his own subjective opinion. The Examiner states that Gramlich teaches selling subscriptions to overlay groups (in

a magazine model). Appellant respectfully disagrees and respectfully points out that Gramlich instead teaches that "it is envisioned that publishers of overlay groups will sell subscriptions." Column 8, lines 51-52. Hence, Gramlich teaches that publishers of overlay groups sell subscriptions and does not teach selling subscriptions to overlay groups. Further, there is no language in the cited passage that suggests a cutoff date or the use of a deadline for article submission or the use of a deadline for user/author inclusion. The Examiner is merely relying on his own subjective opinion which is insufficient to support a *prima facie* case of obviousness. Consequently, the Examiner has not presented a *prima facie* case of obviousness for rejecting claim 17. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002); M.P.E.P. §2143.

Appellant further asserts that Gramlich and Day, taken singly or in combination, do not teach or suggest "means to collect and display statistics relating to the set of comments" as recited in claim 19. The Examiner cites column 13, lines 8-13 of Gramlich as teaching the above-cited claim limitation. Paper No. 20, page 5. Appellant respectfully traverses and asserts that Gramlich instead teaches that a merged document can be displayed in a browser in any number of ways selected by the user. Gramlich further teaches that the linked text may be displayed inline or linked to an icon, displayed at the position of the HTML tag. However, there is no language in the cited passage that teaches collecting statistics relating to comments. Neither is there any language in the cited passage that teaches displaying such statistics. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

As a result of the foregoing, Appellant respectfully asserts that there are numerous claim limitations not taught or suggested in the cited prior art, and thus the Examiner has not presented a *prima facie* case of obviousness for rejecting the above-cited claims as being unpatentable over Gramlich in view of Day. M.P.E.P. §2143.

B. Claims 2-8, 11, 13-15 and 34-38 are not properly rejected under 35 U.S.C. §103(a) as being unpatentable over Gramlich in view of Day and in further view of Tran.

The Examiner has rejected claims 2-8, 11, 13-15 and 34-38 under 35 U.S.C. §103(a) as being unpatentable over Gramlich in view of Day and in further view of Tran. Paper No. 20, page 6. Appellant respectfully traverses these rejections for at least the reasons stated below.

1. The Examiner has not presented any objective evidence for combining Gramlich, Day and Tran.

As stated above, a *prima facie* showing of obviousness requires the Examiner to establish, *inter alia*, that the prior art references teach or suggest, either alone or in combination, all of the limitations of the claimed invention, and the Examiner must provide a motivation or suggestion to combine or modify the prior art reference to make the claimed inventions. M.P.E.P. § 2142. The showings must be clear and particular and supported by objective evidence. *In re Lee*, 277 F.3d 1338, 1343, 61 U.S.P.Q.2d 1430, 1433-34 (Fed. Cir. 2002); *In re Kotzab*, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000); *In re Dembicza*k, 50 U.S.P.Q.2d. 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence. *Id.*

The Examiner's motivation for modifying Gramlich with Day and Tran for representing a source file as a linked list of objects corresponding to a hypertext representation of the source file where the markup file is a binary file representation of the linked list, as recited in claim 2 and similarly in claims 21, 29, 34 and 39, is "because of Tran's taught advantage of linked lists, providing a user of Gramlich with a way to dynamically store file." Paper No. 20, pages 6 and 8. This motivation is insufficient to support a *prima facie* case of obviousness as discussed below.

The Examiner's motivation appears to have been gleaned from a secondary reference (Tran). In fact, the Examiner states "because of Tran's taught advantage of linked lists" as support for his motivation. Paper No. 20, page 6. This is not evidence as to why one of ordinary skill in the art with the primary reference (Gramlich) in front of him would have been motivated to modify the primary reference (Gramlich) with the teachings of the secondary references (Day and Tran). The Examiner's motivation is a motivation for the secondary reference (Tran) to solve its problem. This is not a suggestion to combine the primary reference (Gramlich) with the secondary references (Day and Tran). The Examiner must provide objective evidence as to why one of ordinary skill in the art with the primary reference (Gramlich) in front of him, which teaches that an annotation proxy can perform the merge operation by first creating a local annotation directory of annotation overlays from sources designated by the user then, when the user requests a document, merging with the requested document information only from the annotation directory, would have been motivated to modify the teachings of the primary reference (Gramlich) with the teachings of the secondary reference (Day), which teaches that a user is permitted to enter comments pertaining to the document within the displayable interface, such that the comments may be separately stored, subsequently retrieved and utilized in the creation of the document without cluttering, along with the teachings of the other secondary reference (Tran), which teaches a graphical data entry system for accepting and processing hand sketches and writings such that the user can quickly specify graphical objects in a drawing on a hand-held, mobile computer with a relatively compact screen (Abstract of Tran). *See In re Lee*, 61 U.S.P.Q.2d 1430, 1433-1434 (Fed. Cir. 2002); *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1318 (Fed. Cir. 2000). Merely stating what a secondary reference teaches is not evidence for combining a primary reference (Gramlich) with the secondary references (Day and Tran). *See Id.* Consequently, the Examiner's motivation is insufficient to support a *prima facie* case

of obviousness for rejecting claims 2-8, 11, 13-15, 21-24, 29-32 and 34-41. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of combining Gramlich, which teaches providing annotation overlays from diverse sources of commentary for World-Wide Web documents, with Day, which teaches that a user is permitted to enter comments pertaining to the document within the displayable interface, such that the comments may be separately stored, subsequently retrieved and utilized in the creation of the document without cluttering, along with Tran, which teaches a graphical data entry system for accepting and processing hand sketches and writings such that the user can quickly specify graphical objects in a drawing on a hand-held, mobile computer with a relatively compact screen. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). There is no suggestion in Gramlich of accepting and processing hand sketches. Neither is there any suggestion in Gramlich of accepting and processing writings. Neither is there any suggestion in Gramlich of accepting and processing hand sketches and writings such that the user can quickly specify graphical objects in a drawing. Neither is there any suggestion in Gramlich of using a hand-held, mobile computer with a relatively compact screen. Since the Examiner has not submitted objective evidence for modifying Gramlich with Day and Tran, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 2-8, 11, 13-15, 21-24, 29-32 and 34-41. *Id.*

Further, the Examiner submit objective evidence and not rely on his own subjective opinion in support of modifying Gramlich to provide a user of Gramlich with a way to dynamically store a file (Examiner's motivation). *Id.* There is no suggestion in Gramlich of providing a user with a way to dynamically store a file. Since the Examiner has not submitted objective evidence for modifying Gramlich to provide a user with a way to dynamically store a file, the Examiner has not presented

a *prima facie* case of obviousness for rejecting claims 2-8, 11, 13-15, 21-24, 29-32 and 34-41. *Id.*

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Gramlich to represent a source file as a linked list of objects corresponding to a hypertext representation of the source file where the markup file is a binary file representation of the linked list (Examiner admits that Gramlich does not teach this limitation). *Id.* There is no suggestion in Gramlich of using a linked list. Neither is there any suggestion in Gramlich of representing a source file as a linked list of objects. Neither is there any suggestion in Gramlich of representing a source file as a linked list of objects corresponding to a hypertext representation of the source file. Neither is there any suggestion in Gramlich of representing a source file as a linked list of objects corresponding to a hypertext representation of the source file where the markup file is a binary file representation of the linked list. Since the Examiner has not submitted objective evidence for modifying Gramlich to represent a source file as a linked list of objects corresponding to a hypertext representation of the source file where the markup file is a binary file representation of the linked list, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 2-8, 11, 13-15, 21-24, 29-32 and 34-41. *Id.*

As a result of the foregoing, Appellant respectfully asserts that the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 2-8, 11, 13-15, 21-24, 29-32 and 34-41. M.P.E.P. §2143.

2. By combining Gramlich with Tran, the principle of operation of Gramlich would change.

If the proposed modification or combination of the prior art would change the principle of the operation of the prior art invention being modified, then the teachings

of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 U.S.P.Q. 349 (C.C.P.A. 1959). Further, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984). For the reasons discussed below, Appellant submits that by combining Gramlich with Tran, the principle of operation in Gramlich would change and subsequently render the operation of Gramlich to perform its purpose unsatisfactory.

Gramlich teaches a system and method for providing annotation overlays from diverse sources of commentary for World-Wide Web (WWW) documents. Abstract. Gramlich further teaches that the annotation overlays are stored on one or more overlay servers, which are connected to the Web.

Tran, on the other hand, teaches that the ability to quickly create and attach text or graphical illustrations to a message, file, data set or recording media is needed in many applications, including photographic annotation and two-way communications. Column 2, lines 59-62. Tran further teaches that existing cameras do not offer a light weight and a reliable solution for recording camera settings and drawing/text annotations on the film. Column 4, lines 63-65. Further, Tran teaches that the ability to annotate a message with drawings is also important in the communications applications in the two-way messaging industry and the cellular communications industry. Column 4, line 66 - Column 5, line 2. Tran further teaches that the present invention provides a graphical data entry system for accepting and processing hand sketches and writings such that the user can quickly specify graphical objects in a drawing on a hand-held, mobile computer with a relatively compact screen. Column 5, lines 25-29. Tran further teaches that an object classification and recognition capability is provided to recognize objects being sketched by the user and to convert the hand sketches into CAD-like drawings.

Column 5, lines 32-35. Tran further teaches that the graphical data entry system of the present invention can be used in conjunction with a camera to annotate pictures taken with the camera. Column 5, lines 39-41.

By combining Gramlich with Tran, Gramlich would no longer be able to store annotation overlays on servers that would be used to annotate a WWW document. Tran does not teach annotating a WWW document but instead teaches annotating a drawing or a photograph. Furthermore, Tran does not teach storing these annotations on a server but instead teaches storing these annotations on the data entry graphical system displaying the photograph or drawing. Hence, by combining Gramlich with Tran, the user in Gramlich would be annotating a drawing or photograph instead of a WWW document and would be storing these annotations on the user's data processing system. Thus, by combining Gramlich with Tran, the principle of operation in Gramlich would change, and subsequently render the operation of Gramlich to perform its purpose unsatisfactory. Therefore, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 2-8, 11, 13-15, 21-32, 34-39 and 41. *In re Ratti*, 270 F.2d 810, 123 U.S.P.Q. 349 (C.C.P.A. 1959); *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984).

3. Gramlich, Day and Tran, taken singly or in combination, do not teach or suggest the following claim limitations.

Appellant respectfully asserts Gramlich, Day and Tran, taken singly or in combination, do not teach or suggest "means for accepting data from the source file and storing the source file as a markup file further comprises means for representing the source file as a linked list of objects corresponding to a hypertext representation of the source file, wherein the markup file is a binary file representation of the linked list" as recited in claim 2 and similarly in claim 34. The Examiner cites column 15, lines 30-39 of Tran as teaching the above-cited claim limitation. Paper No. 20, page 6. Appellant respectfully traverses and asserts that Tran instead teaches a routine to

edit the objects drawn that includes the step of determining if the user wishes to flip graphical objects, e.g., magnifier 108 (Figure 2). If so, the routine flips the graphical objects. Further, Tran teaches that the routine allows the user to enter text and to associate the text with selected graphical objects by adding the text to the linked list data structure for the objects. There is no language in the cited passage that teaches a linked list of objects corresponding to a hypertext representation of the source file. Appellant has performed a word search of "hypertext" in Tran and was unable to identify the word "hypertext" or any variation thereof in Tran. Neither is there any language in the cited passage that teaches a markup file that is a binary file representation of the linked list. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellant further asserts Gramlich, Day and Tran, taken singly or in combination, do not teach or suggest "means for representing the source file as a linked list of objects further comprises means for inserting comment insertion objects into the linked list of objects and in which the means for generating a hypertext document further comprises means to include hypertext data in the hypertext document to display one or more symbols representing each comment insertion object" as recited in claim 3 and similarly in claim 35. The Examiner cites column 12, lines 25-35 of Gramlich as teaching the above-cited claim limitation. Paper No. 20, page 6. Appellant respectfully traverses and asserts that Gramlich instead teaches that the annotation proxy inserts HTML tags in the merged document around the pattern to convert the pattern into a hyperlink cue tied to the appended information from the arg field. Gramlich further teaches that when displaying the merged document, the browser can display an icon at the insertion point, which a user can select to display the inserted text, or can directly display the inserted text at the insertion point. There is no language in the cited passage teaching a linked list of

objects. Hence, Gramlich does not teach inserting comment insertion objects into a linked list of objects. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellant further asserts Gramlich, Day and Tran, taken singly or in combination, do not teach or suggest "means for representing the source file as a linked list of objects further comprises means for inserting comment display objects into the linked list of objects, each comment display object being associated with a comment insertion object and in which the means for generating a hypertext document further comprises means to include hypertext data in the hypertext document to display comments in accordance with the corresponding comment display objects" as recited in claim 5 and similarly in claim 37. The Examiner cites column 12, lines 25-35 of Gramlich as teaching the above-cited claim limitation. Paper No. 20, page 6. Appellant respectfully traverses and asserts that Gramlich instead teaches that the annotation proxy inserts HTML tags in the merged document around the pattern to convert the pattern into a hyperlink cue tied to the appended information from the arg field. Gramlich further teaches that when displaying the merged document, the browser can display an icon at the insertion point, which a user can select to display the inserted text, or can directly display the inserted text at the insertion point. There is no language in the cited passage teaching a linked list of objects. Hence, Gramlich does not teach inserting comment insertion objects into a linked list of objects and Gramlich does not teach including hypertext data in the hypertext document to display comments in accordance with the corresponding comment display objects. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellant further asserts Gramlich, Day and Tran, taken singly or in combination, do not teach or suggest "open tag data representing the open hypertext tags, at the location of the comment display object, in the linked list of objects and in which the means for generating a hypertext document further comprises means to insert closing hypertext data in the hypertext document, prior to a selected one of the comments being displayed in the hypertext document, and means to inset reopening hypertext data in the hypertext document, following the selected one of the comments being displayed in the hypertext document, the closing hypertext data and the reopening hypertext data both being defined by the open tag data for the comment display object associated with the selected one of the comments being displayed" as recited in claim 6 and similarly in claim 38. The Examiner cites column 12, lines 25-35 of Gramlich as teaching the above-cited claim limitation. Paper No. 20, page 6. Appellant respectfully traverses. As stated above, Gramlich instead teaches that the annotation proxy inserts HTML tags in the merged document around the pattern to convert the pattern into a hyperlink cue tied to the appended information from the arg field. Gramlich further teaches that when displaying the merged document, the browser can display an icon at the insertion point, which a user can select to display the inserted text, or can directly display the inserted text at the insertion point. There is no language in the cited passage teaching a linked list of objects. Neither is there any language teaching open, closing or reopening hypertext tags or data. Hence, Gramlich does not teach the above-cited claim limitations. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellant further asserts Gramlich, Day and Tran, taken singly or in combination, do not teach or suggest "objects representing text are enclosed by objects representing paragraph tags, end of sentence indicators in objects in the linked list are represented in text, objects representing hypertext end tags are selectively

located in the linked list to close all hypertext tags, and objects representing unnecessary hypertext tags are removed from the linked list" as recited in claim 7. The Examiner cites column 15, lines 30-39 of Tran and column 9, lines 2-25 and column 13, lines 1-9 of Gramlich as together teaching the above-cited claim limitations. Paper No. 20, pages 6-7. Appellant respectfully traverses. As stated above, Tran instead teaches a routine to edit the objects drawn that includes the step of determining if the user wishes to flip graphical objects, e.g., magnifier 108 (Figure 2). If so, the routine flips the graphical objects. Further, Tran teaches that the routine allows the user to enter text and to associate the text with selected graphical objects by adding the text to the linked list data structure for the objects. Further, Gramlich instead teaches that tags reference the inserted text. Gramlich further teaches that the annotation proxy adds an HTML tag to the merged document at the end of each sentence. Gramlich further teaches that the merged document can be displayed in a browser in any number of ways selected by the user of the browser. However, the language in none of these passages in Tran and Gramlich teach that objects representing text are enclosed by objects representing paragraph tags. Neither is there language in either Tran or Gramlich that teaches that the end of sentence indicators in objects in the linked list are represented in text. Neither is there language in either Tran or Gramlich that teaches that objects representing hypertext end tags are selectively located in the linked list to close all hypertext tags. Neither is there language in either Tran or Gramlich that teaches that objects representing unnecessary hypertext tags are removed from the linked list. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellant further asserts Gramlich, Day and Tran, taken singly or in combination, do not teach or suggest that the "linked list of objects comprises objects appropriately selected from the set of objects comprising simple tag objects, tag

objects, end tag objects, text objects, comment insertion objects, comment display objects, complex whitespace objects, spaces objects, newlines objects, hypertext comment objects, ordered list item tag objects, and link tag objects" as recited in claim 8. The Examiner cites column 15, lines 30-39 of Tran and column 9, lines 2-25 and column 13, lines 1-9 of Gramlich as together teaching the above-cited claim limitations. Paper No. 20, pages 6-7. Appellant respectfully traverses. There is no language in the cited passages that teach the above-cited claim limitations. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellant further asserts that Gramlich, Day and Tran, taken singly or in combination, do not teach or suggest "each object in the linked list of objects has a type, and comprises contents derived from a portion of the source file, each comment insertion object and each comment display object comprises a contents line identifier, representing the line number defining the location of the object in relation to the source file, the comment file consists of comment line identifier data associated with the set of comments representing the line numbers in the source file with which each comment is related, and in which the means for generating a hypertext document further comprises means to traverse the linked list of objects comprising, and select a display object from the linked list of objects, means to determine the type of the display object, means to generate hypertext data to correspond to the type of the display object and the contents of the display object, means to identify the contents line identifier for the display object and for selecting comment display data from the comment file based on the contents line identifier and the comment line identifiers of the comment file, means to generate hypertext data from the comment file representing the selected one of the set of comments corresponding to the comment line identifier associated with the contents line identifier" as recited in claim 11. The Examiner cites the Abstract, column 3, lines 65-67, column 4, lines 43-50 and column

12, lines 32-42 of Gramlich as teaching the above-cited claim limitation. Paper No. 20, page 7. Appellant respectfully traverses. In the Office Action, the Examiner is not addressing each of the limitations of the claim. For example, the Examiner has not addressed where a comment insertion object is allegedly taught in Gramlich. In another example, the Examiner has not addressed where a comment display object is allegedly taught in Gramlich. In another example, the Examiner has not addressed where the limitation of "each object in a linked list of objects has a type" is allegedly taught in Gramlich and so forth. The Examiner is reminded that the Examiner may not simply ignore language in the claims. All words in a claim must be considered in judging the patentability of that claim against the prior art. *See In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Further, the Examiner is reminded that the Examiner cannot reject claims based on his own subjective opinion. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

As a result of the foregoing, Appellant respectfully asserts that there are numerous claim limitations not taught or suggested in the cited prior art, and thus the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 2-8, 11, 13-15 and 34-38 as being unpatentable over Gramlich in view of Day and in further view of Tran. M.P.E.P. §2143.

C. Claims 21-24, 39 and 41 are not properly rejected under 35 U.S.C. §103(a) as being unpatentable over Gramlich in view of Day and in further view of Tran and in further view of Merritt.

The Examiner has rejected claims 21-24, 39 and 41 under 35 U.S.C. §103(a) as being unpatentable over Gramlich in view of Day and in further view of Tran and

in further view of Merritt. Paper No. 20, page 7. Appellant respectfully traverses these rejections for at least the reasons stated below.

1. The Examiner has not presented any objective evidence for combining Gramlich, Day, Tran and Merritt.

As stated above, a *prima facie* showing of obviousness requires the Examiner to establish, *inter alia*, that the prior art references teach or suggest, either alone or in combination, all of the limitations of the claimed invention, and the Examiner must provide a motivation or suggestion to combine or modify the prior art reference to make the claimed inventions. M.P.E.P. § 2142. The showings must be clear and particular and supported by objective evidence. *In re Lee*, 277 F.3d 1338, 1343, 61 U.S.P.Q.2d 1430, 1433-34 (Fed. Cir. 2002); *In re Kotzab*, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000); *In re Dembicza*k, 50 U.S.P.Q.2d. 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence. *Id.*

The Examiner's motivation for modifying Gramlich with Day, Tran and Merritt for providing reviewers with forms for reviewer entry of comments, as recited in claims 21 and 39, "because of Merritt's taught advantage of including comments within a document, providing users of Gramlich the benefit of inspecting and commenting upon previous comments made to a document." Paper No. 20, page 10. This motivation is insufficient to support a *prima facie* case of obviousness as discussed below.

The Examiner's motivation appears to have been gleaned from a secondary reference (Merritt). In fact, the Examiner states "because of Merritt's taught advantage of including comments within a document" as support for his motivation. Paper No. 20, page 10. This is not evidence as to why one of ordinary skill in the art with the primary reference (Gramlich) in front of him would have been motivated to modify the primary reference (Gramlich) with the teachings of the secondary

references (Day, Tran and Merritt). The Examiner's motivation is a motivation for the secondary reference (Merritt) to solve its problem. This is not a suggestion to combine the primary reference (Gramlich) with the secondary references (Day, Tran and Merritt). The Examiner must provide objective evidence as to why one of ordinary skill in the art with the primary reference (Gramlich) in front of him, which teaches that an annotation proxy can perform the merge operation by first creating a local annotation directory of annotation overlays from sources designated by the user then, when the user requests a document, merging with the requested document information only from the annotation directory, would have been motivated to modify the teachings of the primary reference (Gramlich) with the teachings of the secondary reference (Day), which teaches that a user is permitted to enter comments pertaining to the document within the displayable interface, such that the comments may be separately stored, subsequently retrieved and utilized in the creation of the document without cluttering, along with the teachings of the other secondary reference (Tran), which teaches a graphical data entry system for accepting and processing hand sketches and writings such that the user can quickly specify graphical objects in a drawing on a hand-held, mobile computer with a relatively compact screen, along with the teachings of the other secondary reference (Merritt), which teaches superimposing a second, graphical image on a primary image for annotating the primary image (Abstract of Merritt). *See In re Lee*, 61 U.S.P.Q.2d 1430, 1433-1434 (Fed. Cir. 2002); *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1318 (Fed. Cir. 2000). Merely stating what a secondary reference teaches is not evidence for combining a primary reference (Gramlich) with the secondary references (Day, Tran and Merritt). *See Id.* Consequently, the Examiner's motivation is insufficient to support a *prima facie* case of obviousness for rejecting claims 21-24 and 39-41. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of combining Gramlich, which teaches providing

annotation overlays from diverse sources of commentary for World-Wide Web documents, with Day, which teaches that a user is permitted to enter comments pertaining to the document within the displayable interface, such that the comments may be separately stored, subsequently retrieved and utilized in the creation of the document without cluttering, along with Tran, which teaches a graphical data entry system for accepting and processing hand sketches and writings such that the user can quickly specify graphical objects in a drawing on a hand-held, mobile computer with a relatively compact screen, along with Merritt, which teaches superimposing a second, graphical image on a primary image for annotating the primary image. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). There is no suggestion in Gramlich of superimposing a second, graphical image on a primary image for annotating the primary image. Neither is there any suggestion in Gramlich that the secondary image is displayed over the primary image as either a mark or a glyph (Abstract of Merritt). Since the Examiner has not submitted objective evidence for modifying Gramlich with Day, Tran and Merritt, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 21-24 and 39-41. *Id.*

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Gramlich to provide reviewers with forms for reviewer entry of comments (Examiner admits that Gramlich does not teach this limitation). *Id.* There is no suggestion in Gramlich of providing reviewers with forms for reviewer entry of comments. Since the Examiner has not submitted objective evidence for modifying Gramlich to provide reviewers with forms for reviewer entry of comments, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 21-24 and 39-41. *Id.*

As a result of the foregoing, Appellant respectfully asserts that the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 21-32 and 39-41. M.P.E.P. §2143.

2. Gramlich, Day, Tran and Merritt, taken singly or in combination, do not teach or suggest the following claim limitations.

Appellant respectfully asserts that Gramlich, Day, Tran and Merritt, taken singly or in combination, do not teach or suggest "a parser to parse a selected one of the set of source files into a linked list of objects corresponding to a hypertext representation of the selected source file, the linked list further comprising comment insertion objects and comment display objects, the parser writing the linked list of objects to a binary markup file representing the linked list of objects and corresponding to the selected one of the set of source files, each comment display object being capable of being associated with one or more comments" as recited in claim 21 and similarly in claim 39. The Examiner cites the Abstract, column 3, lines 65-67, column 4, lines 43-50 and column 8, lines 35-40 of Gramlich as teaching the above-cited claim limitation. Paper No. 20, page 8. Appellant respectfully traverses. There is no language in the cited passages that teaches parsing a source file. Neither is there any language in the cited passages that teaches a linked list of objects. Neither is there any language in the cited passages that teaches a linked list of objects corresponding to a hypertext representation of a selected source file. Neither is there any language in the cited passages that teaches comment insertion objects and comment display objects. Neither is there any language in the cited passages that teaches a binary markup file representing the linked list of objects and corresponding to the selected one of the set of source files. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellant further asserts that Gramlich, Day, Tran and Merritt, taken singly or in combination, do not teach or suggest "open tag data representing the open hypertext tags, at the location of the comment display object, in the linked list of

objects, and in which the common gateway interface program code means for generating a hypertext document further comprises means to insert closing hypertext data in the hypertext document, prior to a selected one of the comments being displayed in the hypertext document, and means to insert reopening hypertext data in the hypertext document, following the selected one of the comments being displayed in the hypertext document, the closing hypertext data and the reopening hypertext data both being defined by the open tag data for the comment display object associated with the selected one of the comments being displayed" as recited in claim 22. The Examiner cites column 12, lines 25-35 of Gramlich as teaching the above-cited claim limitation. Paper No. 20, page 10. Appellant respectfully traverses. As stated above, Gramlich instead teaches that the annotation proxy inserts HTML tags in the merged document around the pattern to convert the pattern into a hyperlink cue tied to the appended information from the arg field. Gramlich further teaches that when displaying the merged document, the browser can display an icon at the insertion point, which a user can select to display the inserted text, or can directly display the inserted text at the insertion point. There is no language in the cited passage teaching a linked list of objects. Neither is there any language teaching open, closing or reopening hypertext tags or data. Hence, Gramlich does not teach the above-cited claim limitations. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellant further asserts that Gramlich, Day, Tran and Merritt, taken singly or in combination, do not teach or suggest "the linked list of objects comprises objects appropriately selected from the set of objects comprising simple tag objects, tag objects, end tag objects, text objects, comment insertion objects, comment display objects, complex whitespace objects, spaces objects, newlines objects, hypertext comment objects, ordered list item tag objects, and link tag objects" as recited in

claim 23. The Examiner cites the Abstract, column 3, lines 65-67, column 4, lines 43-50, column 6, lines 15-23 and column 12, lines 32-43 of Gramlich as teaching the above-cited claim limitations. Paper No. 20, page 10. Appellant respectfully traverses. There is no language in the cited passages that teach the above-cited claim limitations. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellant further asserts that Gramlich, Day, Tran and Merritt, taken singly or in combination, do not teach or suggest "each object in the linked list of objects has a type, and comprises contents derived from a portion of the source file, each comment insertion object and each comment display object comprises a contents line identifier, representing the line number defining the location of the object in relation to the source file, the comment file consists of comment line identifier data associated with the set of comments representing the line numbers in the source file with which each comment is related, and in which the common gateway interface program code means for generating a hypertext document further comprises means to traverse the linked list of objects, and means to select a display object from the linked list of objects, means to determine the type of the display object, means to generate hypertext data to correspond to the type of the display object and the contents of the display object, means to identify the contents line identifier for the display object and for selecting comment display data from the comment file based on the contents line identifier and the comment line identifiers of the comment file, and means to generate hypertext data from the comment file representing the selected one of the set of comments corresponding to the comment line identifier associated with the contents line identifier" as recited in claim 24. The Examiner cites the Abstract, column 3, lines 65-67, column 4, lines 43-50, column 6, lines 15-23 and column 12, lines 32-43 of Gramlich as teaching the above-cited claim limitations. Paper No. 20, page 10. In the Office Action, the Examiner is not addressing each of the limitations of the claim.

For example, the Examiner has not addressed where a comment insertion object is allegedly taught in Gramlich. In another example, the Examiner has not addressed where a comment display object is allegedly taught in Gramlich. In another example, the Examiner has not addressed where the limitation of "each object in a linked list of objects has a type" is allegedly taught in Gramlich and so forth. The Examiner is reminded that the Examiner may not simply ignore language in the claims. All words in a claim must be considered in judging the patentability of that claim against the prior art. *See In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Further, the Examiner is reminded that the Examiner cannot reject claims based on his own subjective opinion. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

As a result of the foregoing, Appellant respectfully asserts that there are numerous claim limitations not taught or suggested in the cited prior art, and thus the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 21-24, 39 and 41 as being unpatentable over Gramlich in view of Day and in further view of Tran and in further view of Merritt. M.P.E.P. §2143.

D. Claims 25-32 are not properly rejected under 35 U.S.C. §103(a) as being unpatentable over Gramlich in view of Tran and in further view of Merritt.

The Examiner has rejected claims 25-32 under 35 U.S.C. §103(a) as being unpatentable over Gramlich in view of Tran and in further view of Merritt. Paper No. 20, page 13. Appellant respectfully traverses these rejections for at least the reasons stated below.

1. The Examiner has not provided any objective evidence for combining Gramlich with Tran and Merritt.

As stated above, a *prima facie* showing of obviousness requires the Examiner to establish, *inter alia*, that the prior art references teach or suggest, either alone or in combination, all of the limitations of the claimed invention, and the Examiner must provide a motivation or suggestion to combine or modify the prior art reference to make the claimed inventions. M.P.E.P. § 2142. The showings must be clear and particular and supported by objective evidence. *In re Lee*, 277 F.3d 1338, 1343, 61 U.S.P.Q.2d 1430, 1433-34 (Fed. Cir. 2002); *In re Kotzab*, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000); *In re Dembicza*k, 50 U.S.P.Q.2d. 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence. *Id.*

The Examiner's motivation for modifying Gramlich with Tran and Merritt for providing reviewers with forms for reviewer entry of comments, as recited in claims 25 and 29, is "because of Merritt's taught advantage of including comments within a document, providing users of Gramlich the benefit of inspecting and commenting upon previous comments made to a document." Paper No. 20, page 10. This motivation is insufficient to support a *prima facie* case of obviousness as discussed below.

The Examiner's motivation appears to have been gleaned from a secondary reference (Merritt). In fact, the Examiner states "because of Merritt's taught advantage of including comments within a document" as support for his motivation. Paper No. 20, page 10. This is not evidence as to why one of ordinary skill in the art with the primary reference (Gramlich) in front of him would have been motivated to modify the primary reference (Gramlich) with the teachings of the secondary references (Tran and Merritt). The Examiner's motivation is a motivation for the secondary reference (Merritt) to solve its problem. This is not a suggestion to

combine the primary reference (Gramlich) with the secondary references (Day and Merritt). The Examiner must provide objective evidence as to why one of ordinary skill in the art with the primary reference (Gramlich) in front of him, which teaches that an annotation proxy can perform the merge operation by first creating a local annotation directory of annotation overlays from sources designated by the user then, when the user requests a document, merging with the requested document information only from the annotation directory, would have been motivated to modify the teachings of the primary reference (Gramlich) with the teachings of the secondary reference (Tran), which teaches a graphical data entry system for accepting and processing hand sketches and writings such that the user can quickly specify graphical objects in a drawing on a hand-held, mobile computer with a relatively compact screen, along with the teachings of the other secondary reference (Merritt), which teaches superimposing a second, graphical image on a primary image for annotating the primary image. *See In re Lee*, 61 U.S.P.Q.2d 1430, 1433-1434 (Fed. Cir. 2002); *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1318 (Fed. Cir. 2000). Merely stating what a secondary reference teaches is not evidence for combining a primary reference (Gramlich) with the secondary references (Tran and Merritt). *See Id.* Consequently, the Examiner's motivation is insufficient to support a *prima facie* case of obviousness for rejecting claims 25-32. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of combining Gramlich, which teaches providing annotation overlays from diverse sources of commentary for World-Wide Web documents, with Tran, which teaches a graphical data entry system for accepting and processing hand sketches and writings such that the user can quickly specify graphical objects in a drawing on a hand-held, mobile computer with a relatively compact screen, along with Merritt, which teaches superimposing a second, graphical image on a primary image for annotating the primary image. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). There is no suggestion in Gramlich of superimposing a

second, graphical image on a primary image for annotating the primary image. Neither is there any suggestion in Gramlich that the secondary image is displayed over the primary image as either a mark or glyph. Since the Examiner has not submitted objective evidence for modifying Gramlich with Tran and Merritt, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 25-32. *Id.*

Further, the Examiner must submit objective evidence and not rely on his own subjective opinion in support of modifying Gramlich to provide reviewers with forms for reviewer entry of comments (Examiner admits that Gramlich does not teach this limitation). *Id.* There is no suggestion in Gramlich of providing reviewers with forms for reviewer entry of comments. Since the Examiner has not submitted objective evidence for modifying Gramlich to provide reviewers with forms for reviewer entry of comments, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 25-32. *Id.*

As a result of the foregoing, Appellant respectfully asserts that the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 25-32. M.P.E.P. §2143.

2. Gramlich, Tran and Merritt, taken singly or in combination, do not teach or suggest the following claim limitations.

Appellant respectfully asserts that Gramlich, Tran and Merritt, taken singly or in combination, do not teach or suggest "computer readable program code means for causing a computer to parse a selected one of the set of source files into a linked list of objects corresponding to a hypertext presentation of the selected source file" as recited in claim 25 and similarly in claim 29. The Examiner cites the Abstract, column 3, lines 65-67, column 4, lines 43-50 and column 8, lines 35-40 of Gramlich as teaching "parsing source documents" and cites column 15, lines 30-39 of Tran as

teaching linked list objects. Paper No. 20, page 15. Appellant respectfully traverses. The Examiner has not provided any motivation for modifying Gramlich with Tran to parse a selected one of the set of source files into a linked list of objects corresponding to a hypertext presentation of the selected source file. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 689, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990). As the Examiner has not provided any objective evidence for modifying Gramlich with Tran to parse a selected one of the set of source files into a linked list of objects corresponding to a hypertext presentation of the selected source file, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 25 and 29. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

Appellant further asserts that Gramlich, Tran and Merritt, taken singly or in combination, do not teach or suggest "the linked list further comprising comment insertion objects and comment display objects, the parser writing the linked list of objects to a binary markup file representing the linked list of objects and corresponding to the selected one of the set of source files, each comment display object associated with one or more comments" as recited in claim 25 and similarly in claim 29. As understood by the Appellant, the Examiner cites column 15, lines 30-39 of Tran as teaching the above-cited claim limitation. Paper No. 10, page 8. Appellant respectfully traverses and asserts that Tran instead teaches that the user may enter text and to associate the text with a selected object, e.g., image displayed on a display. The cited passage includes no language regarding either comment insertion objects, comment display objects, a parser or a binary markup file representing the linked list of objects and corresponding to the selected one of the set of source files. The Examiner is reminded that the Examiner may not simply ignore language in the claims. All words in a claim must be considered in judging the patentability of that claim against the prior art. See *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494,

496 (C.C.P.A. 1970). Further, the Examiner is reminded that the Examiner cannot reject claims based on his own subjective opinion. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellant further asserts that Gramlich, Tran and Merritt, taken singly or in combination, do not teach or suggest "the hypertext document selectively including hypertext links representing comment insertion objects, the hypertext links providing reviewers with forms for reviewer entry of comments" as recited in claim 25. The Examiner cites column 12, lines 25-35 of Gramlich for teaching comment insertion objects and cites column 5, lines 1-6, 64-67 and column 6, lines 1-17 of Merritt as teaching providing reviewers with forms for reviewer entry of comments. Paper No. 20, pages 6 and 10. Appellant respectfully traverses and asserts that Merritt instead teaches that a primary image, e.g., a memo to staff (Figure 2), is transmitted to other users in a routing list. Merritt further teaches that the first user transmits the primary image to a first subsequent user, indicated in the routing list, so that they can review the primary image and input their annotations using the glyphs or marks by adding new annotations identified by a glyph or mark. Merritt further teaches that after review by the subsequent user, the annotated primary image is transmitted to the next subsequent user for their review and annotation input and so forth. This language is not the same as providing reviewers with forms for their review. Instead, the users in Merritt are provided with the document itself where they can make annotations to that document. But Merritt does not provide the users with a form for reviewer entry for comments. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellant further asserts that Gramlich, Tran and Merritt, taken singly or in combination, do not teach or suggest "the linked list of objects comprises objects appropriately selected from the set of objects comprising simple tag objects, tag objects, end tag objects, text objects, comment insertion objects, comment display objects, complex whitespace objects, spaces objects, newlines objects, hypertext comment objects, ordered list item objects and link tag objects" as recited in claim 27 and similarly in claim 31. The Examiner cites column 15, lines 30-39 of Tran and column 9, lines 2-25 and column 13, lines 1-9 of Gramlich as together teaching the above-cited claim limitations. Paper No. 20, pages 6-7. Appellant respectfully traverses. There is no language in the cited passages that teach the above-cited claim limitations. Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellant further asserts that Gramlich, Tran and Merritt, taken singly or in combination, do not teach or suggest "each object in the linked list of objects has a type, and comprises contents derived from a portion of the source file, each comment insertion object and each comment display object comprises a contents line identifier, representing the line number defining the location of the object in relation to the source file, the comment file consists of comment line identifier data associated with the set of comments representing the line numbers in the source file with which each comment is related, and in which the computer readable program code means for causing the computer to generate a hypertext document further comprises means to traverse the linked list of objects, and means to select a display object from the linked list of objects, means to determine the type of the display object, means to generate hypertext data to correspond to the type of the display object and the contents of the display object, means to identify the contents line identifier for the display object and for selecting comment display data from the comment file based on the contents line identifier and the comment line identifiers of the comment file, and means to generate

hypertext data from the comment file representing the selected one of the set of comments corresponding to the comment line identifier associated with the contents line identifier" as recited in claim 28 and similarly in claim 32. The Examiner cites the Abstract, column 3, lines 65-67, column 4, lines 43-50 and column 12, lines 32-42 of Gramlich as teaching the above-cited claim limitation. Paper No. 20, page 7. Appellant respectfully traverses. In the Office Action, the Examiner is not addressing each of the limitations of the claim. For example, the Examiner has not addressed where a comment insertion object is allegedly taught in Gramlich. In another example, the Examiner has not addressed where a comment display object is allegedly taught in Gramlich. In another example, the Examiner has not addressed where the limitation of "each object in a linked list of objects has a type" is allegedly taught in Gramlich and so forth. The Examiner is reminded that the Examiner may not simply ignore language in the claims. All words in a claim must be considered in judging the patentability of that claim against the prior art. *See In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Further, the Examiner is reminded that the Examiner cannot reject claims based on his own subjective opinion. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). Therefore, the Examiner has not presented a *prima facie* case of obviousness, since the Examiner is relying upon an incorrect, factual predicate in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

As a result of the foregoing, Appellant respectfully asserts that there are numerous claim limitations not taught or suggested in the cited prior art, and thus the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 25-32 as being unpatentable over Gramlich in view of Tran and in further view of Merritt.

IX. CONCLUSION

For the reasons noted above, the rejections of claims 1-8, 10-11 and 13-41 are in error. Appellants respectfully request reversal of the rejections and allowance of claims 1-8, 10-11 and 13-41.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorneys for Appellants

By: _____

Robert A. Voigt, Jr.

Reg. No. 47,159

Kelly K. Kordzik

Reg. No. 36,571

P.O. Box 50784
Dallas, Texas 75201
(512) 370-2832

APPENDIX

1. A file review system for storing and managing a set of comments associated with a source file, comprising

means for requesting the source file using unmodified standard messaging protocols,

means for accepting data from the source file and storing a representation of the source file as a markup file,

means for creating a comment file containing data representing the set of comments associated with the source file,

means for accepting new comments for inclusion in the set of comments associated with the source file and for updating the comment file to correspond to the complete set of comments,

means for generating a hypertext document from the markup file and from the comment file, the hypertext document corresponding to the source file and including portions corresponding to one or more of the set of comments associated with the source file,

means for communicating the hypertext document to a user for display.

2. The file review system of claim 1 in which the means for accepting data from the source file and storing the source file as a markup file further comprises means for representing the source file as a linked list of objects corresponding to a hypertext representation of the source file, wherein the markup file is a binary file representation of the linked list.

3. The file review system of claim 2 in which the means for representing the source file as a linked list of objects further comprises means for inserting comment insertion objects into the linked list of objects and in which the means for generating a hypertext document further comprises means to include hypertext data in the

hypertext document to display one or more symbols representing each comment insertion object.

4. The file review system of claim 3 in which the one or more symbols representing each comment insertion object comprise a hypertext link to a hypertext form for user input of a comment.

5. The file review system of claims 3 or 4 in which the means for representing the source file as a linked list of objects further comprises means for inserting comment display objects into the linked list of objects, each comment display object being associated with a comment insertion object and in which the means for generating a hypertext document further comprises means to include hypertext data in the hypertext document to display comments in accordance with the corresponding comment display objects.

6. The file review system of claim 5 in which each one of the comment display objects comprises

open tag data representing the open hypertext tags, at the location of the comment display object, in the linked list of objects

and in which the means for generating a hypertext document further comprises

means to insert closing hypertext data in the hypertext document, prior to a selected one of the comments being displayed in the hypertext document, and means to insert reopening hypertext data in the hypertext document, following the selected one of the comments being displayed in the hypertext document,

the closing hypertext data and the reopening hypertext data both being defined by the open tag data for the comment display object associated with the selected one of the comments being displayed.

7. The file review system of claim 2 in which the means for representing the source file as a linked list of objects further comprises a means for normalizing the linked list of objects whereby

objects representing text are enclosed by objects representing paragraph tags,
end of sentence indicators in objects in the linked list are represented in text,
objects representing hypertext end tags are selectively located in the linked list
to close all hypertext tags, and

objects representing unnecessary hypertext tags are removed from the linked
list.

8. The file review system of claim 2 in which the linked list of objects comprises
objects appropriately selected from the set of objects comprising simple tag objects,
tag objects, end tag objects, text objects, comment insertion objects, comment display
objects, complex whitespace objects, spaces objects, newlines objects, hypertext
comment objects, ordered list item tag objects, and link tag objects.

10. The file review system of claim 1 in which the means for generating a
hypertext document further comprises means to generate a hypertext document which
corresponds to a predefined subsection of the markup file and the associated
subsection of the comment file.

11. The file review system of claim 2 in which
each object in the linked list of objects has a type, and comprises contents
derived from a portion of the source file,
each comment insertion object and each comment display object comprises a
contents line identifier, representing the line number defining the location of the
object in relation to the source file,

the comment file consists of comment line identifier data associated with the set of comments representing the line numbers in the source file with which each comment is related,

and in which the means for generating a hypertext document further comprises

means to traverse the linked list of objects comprising, and means to select a display object from the linked list of objects,

means to determine the type of the display object,

means to generate hypertext data to correspond to the type of the display object and the contents of the display object,

means to identify the contents line identifier for the display object and for selecting comment display data from the comment file based on the contents line identifier and the comment line identifiers of the comment file,

means to generate hypertext data from the comment file representing the selected one of the set of comments corresponding to the comment line identifier associated with the contents line identifier.

13. The file review system of claim 2, in which the means for generating a hypertext document comprises means for selectively excluding portions of the comment file corresponding to one or more comments in the set of comments, whereby a selectively defined subset of the set of comments is represented in the hypertext document.

14. The file review system of claim 13, in which comments comprise comment attributes, the means for selectively excluding portions of the comment file further comprising means for selectively defining the subset of the set of comments by selection based on comment attributes.

15. The file review system of claim 14 in which the comment attributes comprise one or more of comment type, comment severity, comment date, comment status, comment author, and comment content.

16. The file review system of claim 1 in which system users are uniquely identified in the system and in which the means for accepting new comments further comprises means for selectively restricting the inclusion of new comments in the set of comments based on the unique identity of system users.

17. The file review system of claim 1 in which the source file is associated with a defined cutoff date and in which the means for accepting new comments further comprises means for selectively restricting the inclusion of new comments on dates past the defined cutoff date.

18. The file review system of claim 1 further comprising means to navigate the comment file to provide user access to comments in user-defined sequenced order.

19. The file review system of claim 1 further comprising means to collect and display statistics relating to the set of comments.

20. The file review system of claim 19 in which the means to collect and display statistics further comprises means for displaying hypertext links in the statistics display whereby a user may access a selected subset of the set of comments by means of the hypertext link.

21. A web-based file review system for storing and managing comments from a plurality of reviewers, the comments being associated with one or more webs of source files, comprising

a parser to parse a selected one of the set of source files into a linked list of objects corresponding to a hypertext representation of the selected source file, the linked list further comprising comment insertion objects and comment display objects, the parser writing the linked list of objects to a binary markup file representing the linked list of objects and corresponding to the selected one of the set of source files, each comment display object being capable of being associated with one or more comments,

a set of comment files, each comment file being associated with a one of the set of source files and comprising data representing comments associated with the one of the set of source files,

common gateway interface program code means for accepting new comments for inclusion in the set of comments associated with a reviewer-defined source file and for updating the associated comment file,

common gateway interface program code means for generating a hypertext document from a markup file corresponding to reviewer-selected source file and from the associated comment file, the hypertext document corresponding to the reviewer-selected source file, wherein said source file is selected using unmodified standard messaging protocols, and

the hypertext document including portions corresponding to one or more of the set of comments associated with the reviewer-selected source file, the hypertext data for each portion relating to a comment to be displayed being defined by the associated comment display object,

the hypertext document selectively including hypertext links representing comment insertion objects, the hypertext links providing reviewers with forms for reviewer entry of comments,

the hypertext document selectively including hypertext data for calling the common gateway interface program for generating a hypertext document and the hypertext document selectively including hypertext data for calling the common gateway interface program for accepting new comments,

means for communicating the hypertext document to a browser for display.

22. The system of claim 21, in which each one of the comment display objects comprises

open tag data representing the open hypertext tags, at the location of the comment display object, in the linked list of objects,

and in which the common gateway interface program code means for generating a hypertext document further comprises

means to insert closing hypertext data in the hypertext document, prior to a selected one of the comments being displayed in the hypertext document, and means to insert reopening hypertext data in the hypertext document, following the selected one of the comments being displayed in the hypertext document,

the closing hypertext data and the reopening hypertext data both being defined by the open tag data for the comment display object associated with the selected one of the comments being displayed.

23. The system of claim 21 in which the linked list of objects comprises objects appropriately selected from the set of objects comprising simple tag objects, tag objects, end tag objects, text objects, comment insertion objects, comment display objects, complex whitespace objects, spaces objects, newlines objects, hypertext comment objects, ordered list item tag objects, and link tag objects.

24. The system of claim 21 in which

each object in the linked list of objects has a type, and comprises contents derived from a portion of the source file,

each comment insertion object and each comment display object comprises a contents line identifier, representing the line number defining the location of the object in relation to the source file,

the comment file consists of comment line identifier data associated with the set of comments representing the line numbers in the source file with which each comment is related,

and in which the common gateway interface program code means for generating a hypertext document further comprises

means to traverse the linked list of objects, and means to select a display object from the linked list of objects,

means to determine the type of the display object,

means to generate hypertext data to correspond to the type of the display object and the contents of the display object,

means to identify the contents line identifier for the display object and for selecting comment display data from the comment file based on the contents line identifier and the comment line identifiers of the comment file, and

means to generate hypertext data from the comment file representing the selected one of the set of comments corresponding to the comment line identifier associated with the contents line identifier.

25. An article of manufacture comprising:

a computer usable medium having computer readable program code means embodied therein for causing the storage and management of comments in a web-based file review system, the comments being from a plurality of reviewers, and being associated with one or more webs of source files, the computer readable program code means in the article of manufacture comprising

computer readable program code means for causing a computer to parse a selected one of the set of source files into a linked list of objects corresponding to a hypertext representation of the selected source file, the linked list further comprising comment insertion objects and comment display objects, the parser writing the linked list of objects to a binary markup file representing the linked

list of objects and corresponding to the selected one of the set of source files, each comment display object associated with one or more comments,

computer readable program code means for causing the computer to create and manage a set of comment files, each comment file being associated with a one of the set of source files and comprising data representing comments associated with the one of the set of source files,

computer readable program code means for causing the computer to accept new comments for inclusion in the set of comments associated with a reviewer-defined source file and to update the associated comment file,

computer readable program code means for causing the computer to generate a hypertext document from a markup file corresponding to reviewer-selected source file and from the associated comment file, the hypertext document corresponding to the reviewer-selected source file, wherein said source file is selected responsive to browser requests and

the hypertext document including portions corresponding to one or more of the set of comments associated with the reviewer-selected source file, the hypertext data for each portion relating to a comment to be displayed being defined by the associated comment display object,

the hypertext document selectively including hypertext links representing comment insertion objects, the hypertext links providing reviewers with forms for reviewer entry of comments,

the hypertext document selectively including hypertext data for calling the common gateway interface program for generating a hypertext document and the hypertext document selectively including hypertext data for calling the common gateway interface program for accepting new comments,

computer readable program code means for causing the computer to communicate the hypertext document to a browser for display.

26. The article of manufacture of claim 25, in which each one of the comment display objects comprises

open tag data representing the open hypertext tags, at the location of the comment display object, in the linked list of objects,

and in which the computer readable program code means for causing the computer to generate a hypertext document further comprises

means to insert closing hypertext data in the hypertext document, prior to a selected one of the comments being displayed in the hypertext document, and means to insert reopening hypertext data in the hypertext document, following the selected one of the comments being displayed in the hypertext document,

the closing hypertext data and the reopening hypertext data both being defined by the open tag data for the comment display object associated with the selected one of the comments being displayed.

27. The article of manufacture of claim 25 in which the linked list of objects comprises objects appropriately selected from the set of objects comprising simple tag objects, tag objects, end tag objects, text objects, comment insertion objects, comment display objects, complex whitespace objects, spaces objects, newlines objects, hypertext comment objects, ordered list item tag objects, and link tag objects.

28. The article of manufacture of claim 25 in which

each object in the linked list of objects has a type, and comprises contents derived from a portion of the source file,

each comment insertion object and each comment display object comprises a contents line identifier, representing the line number defining the location of the object in relation to the source file,

the comment file consists of comment line identifier data associated with the set of comments representing the line numbers in the source file with which each comment is related,

and in which the computer readable program code means for causing the computer to generate a hypertext document further comprises

means to traverse the linked list of objects, and means to select a display object from the linked list of objects,

means to determine the type of the display object,

means to generate hypertext data to correspond to the type of the display object and the contents of the display object,

means to identify the contents line identifier for the display object and for selecting comment display data from the comment file based on the contents line identifier and the comment line identifiers of the comment file, and

means to generate hypertext data from the comment file representing the selected one of the set of comments corresponding to the comment line identifier associated with the contents line identifier.

29. A computer program product for use with a hypertext server, the computer program product comprising:

a computer usable medium having computer readable program code means embodied in the medium for causing the storage and management of comments in a web based file review system, the comments being from a plurality of reviewers, and being associated with one or more webs of source files, the computer program product having:

computer readable program code means for causing a computer to parse a selected one of the set of source files into a linked list of objects corresponding to a hypertext representation of the selected source file, the linked list further comprising comment insertion objects and comment display objects, the parser writing the linked list of objects to a binary markup file representing the linked list of objects and corresponding to the selected one of the set of source files, each comment display object associated with one or more comments,

computer readable program code means for causing the computer to

create and manage a set of comment files, each comment file being associated with a one of the set of source files and comprising data representing comments associated with the one of the set of source files, computer readable program code means for causing the computer to accept new comments for inclusion in the set of comments associated with a reviewer-defined source file and to update the associated comment file,

computer readable program code means for causing the computer to generate a hypertext document from a markup file corresponding to reviewer-selected source file and from the associated comment file, the hypertext document corresponding to the reviewer-selected source file, wherein said source file is selected responsive to browser requests, and

the hypertext document including portions corresponding to one or more of the set of comments associated with the reviewer-selected source file, the hypertext data for each portion relating to a comment to be displayed being defined by the associated comment display object,

the hypertext document selectively including hypertext links representing comment insertion objects, the hypertext links providing reviewers with forms for reviewer entry of comments,

the hypertext document selectively including hypertext data for calling the common gateway interface program for generating a hypertext document and the hypertext document selectively including hypertext data for calling the common gateway interface program for accepting new comments,

computer readable program code means for causing the computer to communicate the hypertext document to a browser for display.

30. The computer program product of claim 29, in which each one of the comment display objects comprises

open tag data representing the open hypertext tags, at the location of the comment display object, in the linked list of objects,

and in which the computer readable program code means for causing the computer to generate a hypertext document further comprises

means to insert closing hypertext data in the hypertext document, prior to a selected one of the comments being displayed in the hypertext document, and means to insert reopening hypertext data in the hypertext document, following the selected one of the comments being displayed in the hypertext document,

the closing hypertext data and the reopening hypertext data both being defined by the open tag data for the comment display object associated with the selected one of the comments being displayed.

31. The computer program product of claim 29 in which the linked list of objects comprises objects appropriately selected from the set of objects comprising simple tag objects, tag objects, end tag objects, text objects, comment insertion objects, comment display objects, complex whitespace objects, spaces objects, newlines objects, hypertext comment objects, ordered list item tag objects, and link tag objects.

32. The computer program product of claim 29 in which

each object in the linked list of objects has a type, and comprises contents derived from a portion of the source file,

each comment insertion object and each comment display object comprises a contents line identifier, representing the line number defining the location of the object in relation to the source file,

the comment file consists of comment line identifier data associated with the set of comments representing the line numbers in the source file with which each comment is related,

and in which the computer readable program code means for causing the computer to generate a hypertext document further comprises

means to traverse the linked list of objects, and means to select a display object from the linked list of objects,

means to determine the type of the display object,

means to generate hypertext data to correspond to the type of the display object and the contents of the display object,

means to identify the contents line identifier for the display object and for selecting comment display data from the comment file based on the contents line identifier and the comment line identifiers of the comment file, and

means to generate hypertext data from the comment file representing the selected one of the set of comments corresponding to the comment line identifier associated with the contents line identifier.

33. A method of storing and managing a set of comments associated with a source file, in a file review system, the method comprising the steps of

requesting the source file using unmodified standard messaging protocols,

accepting data from the source file and storing a representation of the source file as a markup file,

creating a comment file containing data representing the set of comments associated with the source file,

responding to user input to accept new comments for inclusion in the set of comments associated with the source file and for updating the comment file to correspond to the complete set of comments,

responding to user input to dynamically generate a hypertext document from the markup file and from the comment file, the hypertext document corresponding to the source file and including portions corresponding to one or more of the set of comments associated with the source file,

communicating the hypertext document to a user for display.

34. The method of claim 33 in which the step of accepting data from the source file and storing the source file as a markup file comprises the step of representing the source file as a linked list of objects corresponding to a hypertext representation of the source file, wherein the markup file is a binary file representation of the linked list.

35. The method of claim 34 in which the step of representing the source file as a linked list of objects further comprises the step of inserting comment insertion objects into the linked list of objects and in which step of generating a hypertext document further comprises the step of including hypertext data in the hypertext document to display one or more symbols representing each comment insertion object.

36. The method of claim 35 in which the step of including hypertext data in the hypertext document to display one or more symbols representing each comment insertion object further comprises the step of including a hypertext link to a hypertext form for user input.

37. The method of claims 35 or 36 in step of representing the source file as a linked list of objects further comprises the step of inserting comment display objects into the linked list of objects, each comment display object being associated with a comment insertion object and in which the step of generating a hypertext document further comprises the step of including hypertext data in the hypertext document to display comments in accordance with the corresponding comment display objects.

38. The method of claim 37 in which each one of the comment display objects comprises

open tag data representing the open hypertext tags, at the location of the comment display object, in the linked list of objects

and in which the step of generating a hypertext document further comprises the steps of

inserting closing hypertext data in the hypertext document, prior to a selected one of the comments being displayed in the document, and inserting reopening hypertext data in the hypertext document, following the selected one of the comments being displayed in the hypertext document,

the closing hypertext data and the reopening hypertext data both being defined by the open tag data for the comment display object associated with the selected one of the comments being displayed.

39. A method for storing and managing comments in a web-based file review system, the comments being from a plurality of reviewers and being associated with one or more webs of source files, comprising the steps of

parsing a selected one of the set of source files into a linked list of objects corresponding to a hypertext representation of the selected source file, the linked list further comprising comment insertion objects and comment display objects, the parser writing the linked list of objects to a binary markup file representing the linked list of objects and corresponding to the selected one of the set of source files, each comment display object associated with one or more comments,

on review request, accepting new comments for inclusion in the set of comments associated with a reviewer-defined source file and for updating an associated comment file, the comment file being associated with a one of the set of source files and comprising data representing comments associated with the one of the set of source file,

dynamically generating a hypertext document from a markup file corresponding to reviewer-selected source file and from the associated comment file, the hypertext document corresponding to the reviewer-selected source file, wherein said source file is selected responsive to unmodified standard messaging protocols, and

the hypertext document including portions corresponding to one or more of the set of comments associated with the reviewer-selected source file, the hypertext data for each portion relating to a comment to be displayed being defined by the associated comment display object,

the hypertext document selectively including hypertext links representing comment insertion objects, the hypertext links providing reviewers with forms for reviewer entry of comments,

the hypertext document selectively including hypertext data for calling a common gateway interface program for generating a hypertext document and the hypertext document selectively including hypertext data for calling the common gateway interface program for accepting new comments,

communicating the hypertext document to a browser for display.

40. A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform method steps for storing and managing comments in a web-based file review system, the method steps comprising the steps of claims 33, 34, 35, 36, 37, or 38.

41. A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform method steps for storing and managing comments in a web-based file review system, the method steps comprising the steps of claim 39.

AUSTIN_1\250862\1
7036-P285US